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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,286	09/25/2003	Stephen Norman Batchelor	C4251(V)	7259

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UNILEVER  
PATENT DEPARTMENT  
45 RIVER ROAD  
EDGEWATER, NJ 07020

EXAMINER

EINSMANN, MARGARET V

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/671,286

Applicant(s)

BACHELOR, STEPHEN  
NORMAN

Examiner

Margaret Einsmann

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/21/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by General Aniline and Film Corporation, GB 703,091. A method of bleaching a textile comprising contacting the textile with an aqueous iodine bleaching environment, rinsing the textile with water and drying the textile is taught. Page 2 line 37 states that for a general purpose detergent for household and similar uses, from 1-3% of iodine based on the amount of nonionic surfactant is used. Line 58 states, "The solution can be used in contact with white cotton materials which contain starch without any discoloration of these fabrics even in dilutions ad infinitum." Although the reference does not show the steps of rinsing and drying the clothing, those two steps are always performed after bleaching and/or washing soiled clothing.

Claim 1, 9, 11 and 12 rejected under 35 U.S.C. 102(b) as being anticipated by Jacquet et al., US 5,236,614. Jacquet discloses stable microemulsion disinfecting detergent compositions containing potassium periodate, which is a solid iodine containing compound. Said compositions contain surfactants. See example 1 in col 11, compositions F and G in example 3 col 13 and 14 and the composition claimed in claim 1. Col 10 line 1 teaches that the compositions clean greasy and stained fabric

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items, such as stained clothes. Although the reference does not show the steps of rinsing and drying the clothing, those two steps are always performed after bleaching and/or washing soiled clothing.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaaret et al., US 6,211, in view of Ahmed, US 5,229,027 or Agostini, EP 688857.

Kaaret et al. teach a process of bleaching textiles with a hypochlorite bleaching composition containing detergent adjuncts including surfactants, builders, fluorescent whitening agents and other conventional detergent adjuncts. See col 4 lines 56 et seq. Although the reference does not show the steps of rinsing and drying the clothing, those two steps are always performed after bleaching and/or washing soiled clothing. There is no teaching of using an iodine source in their compositions.

Ahmed teaches that the addition of a small effective amount of iodate bleach stabilizer to the composition a hypochlorite bleach in the composition remains stable for longer periods of time in storage at ambient temperatures and at elevated temperature. The aqueous liquid detergent composition has the advantage of being stable, non-settling in storage and readily redispersible. See column 3 lines 25-50. Regarding the limitations of claims 8 and 9, the iodate is a solid but may be provided in an aqueous

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solution. Regarding the limitation of claim 10, Ahmed teaches the mixture of said periodate with other salt granules. Col 4 lines 35-51. He also teaches that  $KI/I_2$  is used as a bleach stabilizer. That mixture meets the limitation of claim 10. See column 7 lines 40 to col 8 line 35.

Agostini teaches that the addition of 0.1% by weight of periodate to hypochlorite bleaching compositions and maintaining the pH between 9 and 14 results in improved fabric whiteness and fabric safety. See page 2 lines 15-18.

It would have been obvious to the skilled artisan at the time the invention was made to add iodate or  $KI/I_2$  as taught by Ahmed or periodate as taught by Agostini to a hypochlorite bleaching composition used to bleach textiles, such as the one described in Kaaret et al., for the benefits taught by both Ahmed and Agostini, that is increased stability of the hypochlorite bleaching solutions as taught by Ahmed, and improved whiteness and fabric safety as taught by Agostini. Regarding the limitation of claim 2, it is within the skill of the artisan to determine the effective amount of iodine per se that is needed for stability.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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What is meant by a "unit dose?" "What is meant by "iodine or a source thereof in the range from 0.0005 wt % to 5 wt %." On what is the weight percent based? And what is included in the term "source thereof?" What is the volume or weight of the unit dose and/or of the aqueous medium? How much iodine per se is in the aqueous bleaching environment is not clear.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret Einsmann whose telephone number is 571-272-1314. The examiner can normally be reached on 7:00 AM -4:30 PM M-Th and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Margaret Einsmann  
Primary Examiner  
Art Unit 1751

June 10, 2004